

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 103 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

MADHUBEN ISHWARLAL DESAI

Versus

STATE OF GUJARAT

Appearance:

MR RJ OZA for Petitioner
Ms. B.R. Gajjar, Ld.AGP for MR SP HASURKAR for Res. No. 1
MR JD AJMERA for Respondent No. 2
RULE SERVED for Respondent No. 3, 4

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 25/04/2000

ORAL JUDGEMENT

Heard Mr. R.J. Oza learned counsel for the
petitioner, Mr. J.D. Ajmera, learned counsel for

Respondent No.2 and Ms. B.R. Gajjar, learned AGP for Respondent State.

Learned counsel of the parties submitted that the pension matter of the Primary Teachers has been decided by learned Single Judge of this Court, and against that decision appeal was filed in the Division Bench, which was not admitted. Against that order, matter was taken to Supreme Court and the Supreme Court remanded the case to the Division Bench for the decision on merits. The Letters Patent Appeal No. 788 of 1998 is still pending before the Division Bench. In the instant case, the petitioner has retired from service in 1989 and therefore, whatever decision is taken in Letters Patent Appeal No. 788 of 1998 will apply in the case of the petitioner. Therefore, I do not find any ground to keep the matter pending. Accordingly this writ petition is disposed of. The petitioner is entitled to get the benefit of the decision in Letters Patent Appeal No. 788 of 1998. Rule discharged. Interim relief if any granted shall stand vacated. I make no order as to costs.

DT: 25-4-2000

(P.K. Sarkar, J)

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